



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 16.07.2020

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. A. (MD)No.210 of 2020

Sakthimurugan, S/o.Sadayandi

.. Appellant / Sole Accused

Vs.

1.State represented by,
The Deputy Superintendent of Police,
Manamadurai,
Sivagangai District.

2.The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
(Crime No.49 of 2020)

3.Aadhimoolam

.. Respondents

Prayer : This criminal appeal is filed under Section 14A of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amended Act, 2016, to call for the records in Crl.M.P.No.373 of 2020 in Spl. S.C.No.17 of 2016 on the file of the learned Special Court for Schedule caste and Scheduled Tribes (Prevention of Atrocities) Act 1989 and the Sessions Judge (Full Additional Charge) Sivagangai dated 11.05.2020 and set aside the same as illegal and enlarge the appellant/petitioner/accused on bail in Crime No.49 of 2015.

For Appellant

: Mr.R.Venkatesan

For Respondents 1 and 2

: Mr.K.Dinesh Babu,

Additional Public Prosecutor

For 3rd Respondent

: No Appearance

ORDER

This appeal has been filed to set aside the order in Crl.M.P.No.373 of 2020 in Spl. S.C.No.17 of 2016 dated 11.05.2020, on the file of the learned Special Court for Schedule caste and Scheduled Tribes (Prevention of Atrocities) Act 1989 and the Sessions Judge (Full Additional Charge) Sivagangai and to enlarge the appellant on bail in Crime No.49 of 2015.

2.On the side of the appellant, it is stated that the offence is only Section 294(b) of IPC and Section 3(1)(r)(s) of SC/ST Act. Already bail was granted to the appellant. Due to poverty, the appellant went for work and was not available in the station. Non Bailable warrant was issued against him and he was arrested on 21.09.2019 and he was in custody for the past 10 months and prays



the accused to be released on bail.

3. Though notice to the defacto complainant was served, none appears for the complainant. There is no serious objection on the side of the respondents 1 and 2.

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4. In such circumstances, the Criminal Appeal is allowed and the Appellant is ordered to be released on bail, subject to the following conditions:

- (i) the appellant shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Special Court for Scheduled caste and Scheduled Tribes (Prevention of Atrocities) Act 1989 and the learned Sessions Judge (Full additional Charge), Sivagangai ;
- (ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Special Court for Scheduled caste and Scheduled Tribes (Prevention of Atrocities) Act 1989 and the learned Sessions Judge (Full additional Charge), Sivagangai may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.
- (iii) On release, the appellant shall appear before the Special Court on every hearing dates.
- (iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the appellant in accordance with law as if the conditions have been imposed and the appellant released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Mrn

Note : In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Sessions Judge,
Special Court for Schedule caste and Scheduled Tribes
(Prevention of Atrocities) Act 1989,
Sivagangai.
2. The Deputy Superintendent of Police,
Manamadurai,
Sivagangai District.
- 3.The Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
- 4.The Jailor, Sub Jail, Ramanathapuram.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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SMA/17/07/2020/3P/6C